



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/524,928  | 10/17/2005  | Harri Leppala        | RNZ-36              | 1888             |
| 22827   | 7590        | 06/15/2006           | EXAMINER            |                  |
| DORITY & MANNING, P.A.<br>POST OFFICE BOX 1449<br>GREENVILLE, SC 29602-1449 |             |                      | ROWAN, KURT C       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3643                |                  |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/524,928             | LEPPALA ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Kurt Rowan             | 3643                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-11-2005</u>  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14, 18-23, 25, 26, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kechriotis (US 5,355,613).

3. The patent to Kechriotis shows a fishing lure 10 having a body defining an outer body surface with the body colored substantially as a ready bait body. Kechriotis shows a substantially transparent coat 32. Kechriotis shows a hook fastener (not labeled) attached to the body for hooks 3, 4 as shown in Fig. 1. Kechriotis shows a line fastener 6 attached to the body.

4. Claims 12-15, 19, 20, 21, 25, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Helton (US 4,835,899).

5. The patent to Helton shows a fishing lure having a body defining an outer body surface with the body colored substantially as all ready bait body since it is all ready bait body. Helton shows a transparent coat to enclose the body so that the appearance of the body remains substantially the same with the coat enclosing the body. Helton at least one hook fastener 19 attached to other body. Helton shows a line fastener 16 attached to the body by way of swimming plate 14.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-17, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helton as applied to claims 1, 15 above, and further in view of Gudermuth et al. (US 6,018, 902).

The patents to Helton and Gudermuth show fishing lures. Helton has been discussed above and does not disclose that the layers have different refractive indexes.

Gudermuth discloses a coating for fishing lures having multiple layers having different refractive indexes as disclosed in column 2, lines 56 to column 3, line 16. In reference to claims 16 and 28, it would have been obvious to provide the lure of Helton with a coating as shown by Gudermuth for the purpose of producing an iridescent coating on the lure. In reference to claims 17 and 29, Gudermuth discloses different materials for the different layers. Inherently different materials have different refractive indexes.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kechriotis.

The patent to Kechriotis shows a fishing lure as discussed above. In reference to claim 24, Kechriotis discloses a coating made from clear resin, plastic or other castable material. Hence, it would have been obvious to employ a silicon rubber as the coating

since the selection of a known material is based on its suitability for the intended use.  
See *In re Leshin*, 125 USPQ 416.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Yu, Yoshida, Moore, Vallone, Wilson, Wroclawski, Olszewski, Strader, Strader, Bercdz, Jennings, and Russell show other fishing lures with a reflective layer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/524,928  
Art Unit: 3643

Page 5

A handwritten signature in black ink, reading "Kurt Rowan". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kurt Rowan  
Primary Examiner  
Art Unit 3643

KR